

REMARKS

The Office action dated January 23, 2007, and the references cited have been fully considered. Please consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested. No new matter is added herein.

All claims stand rejected under 35 USC § 103(a) as being unpatentable over the combination of Giacopelli et al., US Patent 4,893,304 and Clarke et al., US Patent 4,967,345. Applicants respectfully traverse the combination of the references themselves, and even if combinable, such a combination neither teaches nor suggests each and every limitation of any pending claim.

First, Applicants appreciate the thoughtful examination of the application, and for pointing out the deficiencies in the teachings of Giacopelli et al. in regards to the present application. However, Applicants respectfully submit that Clarke et al. neither teaches nor suggests the remaining limitations. Clarke et al. teaches a way of selecting different routes *in a communications network*, not within a node/packet switch. Therefore, the combination of these references would use the quasi random operation in selecting a link between multiple Giacopelli et al. packets switches or other nodes. There is no teaching or suggestion to modify the internal packet switching mechanism within a packet switch of Giacopelle et al. The Office action fails to present such a teaching and the references fail to provide such a teaching, and the initial burden is on the Office to present in an Office action a *prima facie* case, which means a presentation corresponding to each and every claim limitation of each and every claim.

Moreover, even if the Office could overcome this burden, it fails to address, nor does the prior art of record teach, how to modify the packet switch of Giacopelli et al. in the manner assumed by the Office. The Law and the MPEP require more than merely Clarke et al.'s teaching of using a quasi-random operation to select among multiple paths between different nodes in a computer network. They require a teaching to modify Giacopelli et al to render a system that works and makes sense.

Applicants respectfully submit that one skilled in the art would not modify the packet switch of Giacomelli et al. in a manner assumed by the Office. Applicants refer the Office to the packet switch design of Giacomelli et al., and in particular FIG. 1A. Each of the recirculation loops 30 are hardwired into a shift register 52, which are hardwired into an input of Batcher Network 12. Thus, there is no capability to deviate from which input of the Batcher Network 12 a packet will be presented. There is no selection possible, let alone a random selection.

Moreover, it makes no sense for a selection capability within Giacomelli et al.'s packet switch. A Batcher Network is a sorting network - it sorts the order of packets into ascending or descending order, with these packets then being communicated in the sorted order to the Banyan Network. This sorting eliminates internal collisions in the Banyan Network. In other words, the use of the Batcher Network teaches away from a random ordering or selection - it sorts the items. Otherwise, there will be collisions in the Banyan Networks - as they are internally blocking - but these collisions are eliminated by placing them in ascending or descending order - i.e., by using the Batcher Network. This fundamental concept is discussed in Giacomelli et al., col. 1, lines 54-67.

For at least these reasons, Applicants respectfully submit that the prior art of record, alone or in combination, neither teaches nor suggests all the limitations of any pending claim. Moreover, Applicants assume that the Office complied with its duties under MPEP § 706 and 37 CFR 1.104(c)(2) and cited the best available references available. Therefore, Applicants respectfully submit that all claims are allowable over the best available references.

In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over all prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney, as Applicants are open to discussing, considering, and resolving issues.

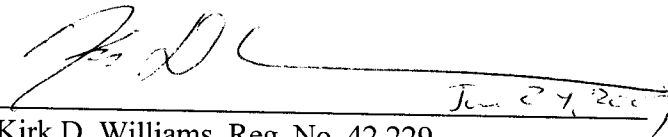
In re WILLIAMS ET AL., Application No. 10/051,728
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Applicants request a two-month extension of time is required. Should a different extension of time be deemed appropriate, Applicants hereby petition for such deemed extension of time. Applicants further authorize the charging of Deposit Account No. 501430 for any fees that may be due in connection with this paper (e.g., claim fees, extension of time fees) as required in addition to the payment made herewith using Form PTO-2038.

Respectfully submitted,
The Law Office of Kirk D. Williams

Date: June 24, 2007

By

A handwritten signature in dark ink, appearing to read "Kirk D. Williams", is written over a horizontal line. To the right of the signature, the date "June 24, 2007" is handwritten.

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